

Minutes of: **LICENSING HEARING PANEL**

Date of Meeting: 18 April 2018

Present: Councillor D Jones (in the Chair)
Councillors: P Adams and N Bayley

Also in attendance:

Public Attendance: Mr D. Herricks (Applicant)
Ms K Wilde (Applicant's daughter)

Apologies for Absence: -

1 DECLARATION OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

2 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 and Section 100(A)(4) schedule 12 A of the Local Government Act 1972 (Category 7), the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime, and the public interest in doing so outweighs the public interest in the hearing taking place in public.

3 CONSIDERATION OF SUSPENSION / REVOCATION OF A PERSONAL LICENCE

The Licensing Unit Manager presented a report submitted by the Assistant Director (Planning, Environmental and Regulatory Services). The application was as detailed in the report.

Representations in respect of the application were received within the appropriate period.

All written representations were contained within the written submissions provided in the report to the Panel.

All documentary evidence comprising the application, the report provided with the agenda and representations were served on all parties in advance of the hearing.

The Panel heard oral representations from the Licence Holder and his representative.

The Panel asked questions of the Licence Holder. All parties were offered the opportunity to question the Licence Holder.

The Licence Holder was offered the opportunity to sum up his case.

The Panel then duly retired to consider the application and all of the information provided.

The Members of the Panel were advised by the Legal Officer as to their duties under Section 4 of the Licensing Act 2003 to at all times consider the promotion of the Licensing Objectives, these being:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

The Members were also advised of their duties in carrying out those functions in relation to:

- a) the Council's published Statement of Licensing Policy
- b) the Guidance issued by the Secretary of State as contained in section 182 of the Licensing Act 2003, which was updated in March 2015

In addition Members were advised to give appropriate weight to the steps that are appropriate to promote the licensing objectives and the representations presented by all parties.

The Panel also had regard to the European Convention on Human Rights and in particular that everyone has the right to peaceful enjoyment of his possessions, respect for his private and family life, his home and his correspondence. A fair balance between competing interests must be considered.

DECISION

Having heard all the oral submissions and having considered all of the documentation before it, the Panel considered the merits of the case and in accordance with its duties decided as follows.

The evidence was considered with care and it was established that following the evidence of all parties, having understood the application and equally understanding the representations made, on balance the Panel found that any concerns so far as the promotion of the four Licensing Objectives were concerned Could be met by a suspension of the personal licence .

The Panel therefore considered it reasonable, balanced, appropriate and proportionate, based on all of the evidence, **to suspend the personal licence for a period of four months.**

**COUNCILLOR
Chair**

(Note: The meeting started at 1.00 pm and ended at 1.50 pm)